



## Select Board Meeting

Monday, May 1, 2023 6:30 PM

Andover High School

Classroom Number 112

80 Shawsheen Road, Andover, MA 01810

ANDOVER TOWN CLERK  
RCUD 2023 APR 27 AM 10:23

---

### I. Call to Order – 6:30 P.M.

### II. Regular Business

#### A. Annual Town Meeting Articles

Board to consider voting to take a position on the following article(s):

Article 6B	Supplemental Budget Appropriations
------------	------------------------------------

#### B. Extension of Land Disposition Agreement Negotiation Period

Board to discuss and consider voting to extend the period during which the Town and Minco Development Corp. may negotiate the Land Disposition Agreement in connection with the Town's disposition of the former Town Yard.

#### C. Open Meeting Law Complaint

Board to review and delegate responsibility to respond to, complaint of Steven Walther, 83 Morton Street, Andover, MA, of an Open Meeting Law violation filed on April 24, 2023.

### III. Approval of Minutes

A. Board to approve minutes from the following meetings:

1. March 27, 2023
2. April 24, 2023

### IV. Adjourn

*If any member of the public wishing to attend this meeting seeks special accommodations in accordance with the Americans with Disabilities Act, please contact Kathryn Forina in the Town Manager's Office at 978-623-8215 or by email at [kathryn.forina@andoverma.us](mailto:kathryn.forina@andoverma.us)*



The Commonwealth of Massachusetts  
Office of the Attorney General  
One Ashburton Place  
Boston, Massachusetts 02108

## OPEN MEETING LAW COMPLAINT FORM

### Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

#### Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
  - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
  - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
  - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

#### Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

#### Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20<sup>th</sup> Floor, Boston, MA 02108. Emails may be sent to: [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).



## OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Ext. \_\_\_\_\_

Email: \_\_\_\_\_

Organization or Media Affiliation (if any): \_\_\_\_\_

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual       Organization       Media

### Public Body that is the subject of this complaint:

City/Town       County       Regional/District       State

Name of Public Body (including city/  
town, county or region, if applicable): \_\_\_\_\_

Specific person(s), if any, you allege  
committed the violation: \_\_\_\_\_

Date of alleged violation: \_\_\_\_\_

## Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

## Review, sign, and submit your complaint

### **I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

### **II. Consulting With a Private Attorney.**

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

### **III. Submit Your Complaint to the Public Body.**

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

*For Use By Public Body  
Date Received by Public Body:*

*For Use By AGO  
Date Received by AGO:*

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

(attached additional detail)

-----

**Context and background:**

I could not find these records (Andover Select Board executive meeting minutes for which the rationale for closed session has expired) on the Town website - where other meeting minutes are hosted, and made a public records request by email for them on 2/21/2023, covering the 2018 thru 2023 time frame.

On 3/9/2023 I received a response from the Town that they wished to bill me \$62.50 for their time, if I wished to proceed.

I responded back by email on 3/9 that the Town should not require me to pay, as I had simply asked the Town to comply with the law.

On 3/10 I received an emailed response that they would get back to me 'early next week'.

On 3/13 the Andover Select Board met and went into executive session to approve executive session minutes from 2018 - 2023.

On 3/16 I received a single pdf file (heavily redacted) with all the requested meeting minutes aggregated.

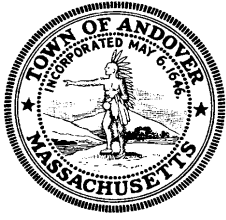
As of 4/12 I still cannot find these meeting minutes released to the public. The Town website has meeting minutes for those dates which continue to exclude the executive session and contain only regular session minutes. In short, I have these minutes but the public does not. These records still have not been released to the public, let alone promptly.

I did attend the Select Board meeting of 4/12 and during public comments, I asked them directly about this failure to comply and when they would come into compliance with the law. I received no answer as to when the Town would comply. The Town also claimed they can keep those meeting minutes in their files and that constituted a 'public release'. Suffice it to say that The Town shows no intent to comply with the plain english requirements of the law.

**Current status:** I made a second public records request on 3/30 for executive meeting minutes of the Select Board over the time period of 2015 thru 2017. Once again this has forced the Andover Select Board to go into Executive Session to approve those minutes.

Action requested: I would like the Attorney General to compel the Town of Andover to comply with the public records and open meetings laws.

**Comments:** Missing the release of a single meeting minutes could be a simple oversight, missing multiple meetings over a short time frame would be a concerning pattern of behavior, years of sustained failure to comply with the law is gross negligence. The open meetings law is a basic legal compliance issue, that the Town of Andover has refused to comply and continues to violate the law with impunity.



## Select Board Meeting

Monday, March 27, 2023 6:30 PM  
The Robb Center Lifelong Learning Room  
30 Whittier Court, Andover, MA 01810

---

### I. Call to Order – 6:30 P.M.

The Chair, Alex Vispoli called the Select Board Meeting to order at 6:30 PM.

Members in attendance: Laura Gregory, Melissa Danisch, Chris Huntress, Annie Gilbert.

Others in attendance: Town Manager Andrew Flanagan, Deputy Town Manager Mike Lindstrom, Asst Town Manager/Town Clerk Austin Simko, Town Counsel Tom Urbelis.

### II. Opening Ceremonies

Moment of Silence/Pledge of Allegiance

The meeting began with a Moment of Silence followed by a Salute to the Flag.

### III. Communications/Announcements/Liaison Reports

The Town Manager gave a brief update on the AHS Building Project reporting that the AHS Building Committee met this morning with a public forum on Wednesday and another meeting on Thursday to discuss initial cost estimates. This morning the Committee reviewed the issue relative to the town's overall debt limit and potential options to address it. The Committee voted to withdraw the article for this Town Meeting that would have appropriated an additional \$1.3M for schematic design. The thought is to see if there is a legislative solution to this debt limit situation.

Mike Lindstrom reported that they received an historic approval from the Conservation Commission on the Merrimack River Access Project that allows them to start putting out to bid the construction documents for public safety access and public launch access from the Merrimack River, upon which we have 5-miles of shoreline. They are working with the Greater Lawrence Technical School on parking and easements which will allow for 24 parking spots, (19 for standard vehicles and 5 for boats/trailers) including a turnaround and two ADA parking spots. They have two more permits to go which should be by the end of the summer. Mike thanked their partners at the Greater Lawrence Technical School.

Austin Simko reported that the election polls open tomorrow at 7:00 AM and will close at 8:00 PM. Mail-in ballots should be dropped at Town Clerk's Office. He also reported on MGL Chapter 30A regarding executive session. The minutes to tonight's meeting will have a summary of Select Board determinations about Executive Session minutes attached. The summary will itemize minutes that have been approved and released and explain why minutes have been approved but not released.

Tom Urbelis provided an update on the status of the legislation to extend remote meetings through March 31, 2025. The Senate has passed the legislation to extend to March 31, 2025 and they are waiting approval by Governor Healy. If she does not take action for 10-days, then it is enacted.

Annie Gilbert recognized the AHS Girls' Basketball Team on their perfect 26-0 season and on winning the State Championship. Congratulations to the student athletes, their families and coaches. She also thanked Jane Burns and Shawna McCloskey who hosted the Town Manager, Austin Simko and Patrick Lawlor last week for the March Meals on Wheels Program. There is a video made by Sean Murphy that is on the AndoverTV website that highlights the Program.

Laura Gregory reminded everyone to get out and vote tomorrow!

#### **IV. Citizens Petitions and Presentations**

Kristin Wise, Inwood Lane, talked about the debt service limit which the Town Manager mentioned tonight; she is confused on what the formula is. Alex Vispoli said the Town Manager is giving a presentation at the latter part of the meeting to talk about the debt limit and where the Town is today. Kristin would like to know what the limit and capacity was last year and for this year. The Town Manager said last year's limit was around \$470M and is \$510M now and the Town has \$409M available between their existing debt service and the debt limit. The hold-up is that we did not know what the building would cost. It is a school building project without MSBA funding.

#### **V. Regular Business**

##### [Indigenous Peoples' Day](#)

The Board reviewed the request by the Commission on Diversity, Equity and Inclusion to discuss and consider voting to approve a process for facilitating a community discussion about recognizing the second Monday in October as Indigenous Peoples' Day, which is currently Columbus Day in the Town of Andover.

Community Services Director Jemma Lambert introduced members of the DEI Commission who provided a presentation on the request to re-name Columbus Day to Indigenous Peoples' Day. Currently, there are 25-Massachusetts towns and cities that have renamed Columbus Day to Indigenous People's Day. In December, the DEI Commission voted in favor of putting information forward to the Town Manager to rename Columbus Day to Indigenous Peoples' Day.

A Diversity Audit Recommendation included: Hiring a more diverse workforce, increasing training/cultural competence for all employees, ensuring institutional support for DEI work, supporting improvements in school curriculum and culture, empowering youth to participate in making cultural change, improving residents' sense of belonging through programming, actively work to improve frequency of communications in/around matters of DEI, establish a robust, legitimate, respectful process for reporting incidents of discrimination and committing to regular on-going racial climate monitoring. To celebrate the thriving cultures and continued resistance and resilience and to create a day specifically for other cultures as well.

Ismail Rodriguez, a Junior at AHS, Benjamin Horner, and Andover resident and DEI Commission member Rajiv Chopra spoke about the reasons to make this change.

Several others from the Knights of Columbus and those with Italian heritage came forward to speak to this proposal and provided background on Christopher Columbus, who fervently believed that it was the duty of Christians to save the souls of non-Christians. They support the proposal but it needs to be further discussed and they suggested adding an additional holiday, Indigenous People's Day, in honor of our Native Americans rather than eliminating Columbus Day.

Steve Cannon, Kathleen Drive said the actual vote of the DEI committee was 6 in favor, 0 against and 3 abstentions. Is there open discussion within the DEI Commission, if three votes were not in favor. It seems that the primary reason to back the change is that 20 municipalities in the Commonwealth have done so; basically we are being asked to make the change of 20+ municipalities that are not similar to and unrepresentative of Andover voters. More discussion needs to be held.

Several other residents came forward and agreed that this change needs more discussion and a proposal presented to the Board or a vote at Town Meeting to determine if they should change the name of Columbus Day or add an additional holiday for Indigenous Peoples' Day.

Discussion by the Board:

Alex Vispoli and Melissa Danisch like the idea of having a further discussion and to not exclude one over the other and to have a vote at Town Meeting. Chris Huntress thanked those that spoke, and learned a lot from the speakers. He would support the idea of a taking a broader look at having a separate International Indigenous People's Day. Annie Gilbert asked if we have a sense of best practices around a community process based on the other 20 communities? Jemma said each municipality that elected to change the name engaged in conversations with the communities and ultimately brought it to Town Meeting.

The Chair asked the Town Manager to put together a proposal for the Board and to be presented at Town Meeting, and look for a win-win. The Town Manager will come back to the Board with a proposal. No decision at this time.

Thank you to everyone who spoke tonight.

A. Retiree Cost of Living Adjustment – 2<sup>nd</sup> Reading

Board to discuss and consider voting on a 5% Cost of Living Adjustment (COLA) for Fiscal Year 2023.

The Town Manager referred to the discussion at the last meeting. Town Accountant Haley Green said the Retirement Board agreed to increase COLA to 5% in a 3-2 vote. She voted against it as she felt it is not fiscally responsible at this time. Haley spoke about other reforms that have been taken to preserve benefits. At the last TM it was voted to increase the COLA base \$1,000 for 2023 and \$1,000 for 2024, and to take inflation into consideration.

Tom Hartwell, 3 Hemlock Road (a member of the retirement board for 9 years) led the initiative to increase the COLA; there were years where Andover did not pay the 3%, we paid less, they did that to be fiscally responsible knowing we were under 50% funded. He feels we need to increase it this year with the extra-ordinary 40-year high inflation rate.

Everyone participated to make the Pension Obligation Bond a success. We have current employees giving 1% of their salary into the reserve as well as reforms which were passed as well which brought our pension up to about 100% funded on a market -value basis. The way the smoothing effect works for the actuarial calculation, there is \$25M was deferred in recognition and spread over 5 years to absorb some of the losses incurred in 2022. We did increase the COLA base from \$13,000 to \$14,000 but nearly all 104 pension plans in the state are at \$14,000 or greater. The average Social Security benefit is about \$21,000 and we are paying 3% on the first \$13,000. It is time for Andover to step up and increase it from 3% to 5% - the cost to the Town is \$82,000 on a budget of \$282M. These are nominal amounts and Andover can afford it.

Annie Gilbert has watched over multiple years where the Retirement Board did not vote to fund the COLA increases, meanwhile other towns were going ahead and funding COLAS at 3%. Andover has addressed the unfunded liability and she thinks it is time, especially with the current state of inflation to approve the increase. It is the Board's job to consider all of the decisions. She thinks the time has come to approve the 5% increase.

On a motion by Annie Gilbert and seconded by Laura Gregory, the Board voted 5-0 to approve the 5% Cost of Living Adjustment.

#### B. [P-37 – TIF Agreement – 1<sup>st</sup> Reading](#)

The Town Manager introduced the representatives from Flagship Pioneer and provided an overview of the details of the Tax Incremental Financing Plan (TIF ).

Present from Flagship Pioneering included Al Vaz, Senior VP Asset Management & Real Estate Operations along with Palani Palaniappan, Chief Tech Officer.

Mr. Vaz provided a presentation and overview of Flagship Pioneering who have founded 100+companies, the majority of which are in Massachusetts. They are a unique organization; a combination of scientist entrepreneurs and investors and leaders in the age of new modalities and platforms and have been located in Cambridge for 20 years with 3.1 million sq ft of space spread across their ecosystem of companies.

Mr. Palaniappan reported that Flagship Pioneering conceives, creates, resources, and develops first-in-category bio-platform companies to transform human health and sustainability. They founded 100+ companies the majority of which are housed in Massachusetts and 30 that have gone public and have over 8,000 employees across the Flagship ecosystem. Currently they have 60+ clinical programs underway and 130+ pre-clinical and discovery programs. He spoke about the medicines they offer and leading the age of new modalities and platforms. They have a diverse portfolio of bio-platform companies.

Their goal is to bring together advanced, hard to master capabilities to drastically accelerate the build of genetic medicines companies. Their vision for the campus is to be a grand

central one-of-a kind campus of sustainability; advanced therapeutics a win-win for Flagship and companies with strategic partnerships in Massachusetts and most importantly patients.

They are working with Alexander Real Estate to procure the property at Minuteman Road and to be tenants on that campus. There are infrastructure requirements and they have worked out a fair deal with DPW and are investing in replacing some of the water pipes required.

The Town Manager said that this TIF is different because there is a property owner and a company moving into the property which is unique for Andover. He provided an overview of the proposed TIF (Tax Increment Financing) negotiated agreements where a percentage exception applies to the incremental increase of assessed value of the parcel. The agreement may contain exemptions on personal property tax per M.G.L. Chapter 40, Section 59. Any TIF has to be approved by Town Meeting. This is a high-profile property and supports long-term growth of the commercial tax base, and generates revenue for the Town.

Benefits to Town: Article P-37 – [TIF Agreement](#) (click here for TIF agreement for specifics). The presentation provided information on a new investment which results in an incremental assessed value of the parcel. The TIF Award/Benefit may only apply to the incremental assessed value. The value of the portion of the obligation that the company would pay would go up, and the tax liability would go up incrementally. A joint presentation by Flagship will be held with the Select Board and Finance Committee on Wednesday.

Total Town Benefit

Base Tax Collections	\$55,608,368
Incremental Tax Collections	\$ 8,604,564
Personal Property Tax Collections	\$13,600,000
Permitting Fees	\$ 4,000,000
Mitigation	<u>\$ 3,600,000</u>
Total Town Benefit	\$ 85,412,932
Town Benefit as % of TIF Award	425.32%

Questions by the Board:

Chris Huntress: This will be one of the largest buildings in Andover, what are your processes regarding sustainability. Response – *they have a group dedicated to sustainability and have implemented sustainability practices in other buildings and are planning to continue; Alexandria is committed to 100% renewable power. All of their buildings are at a minimum lead-gold certified.*

The existing buildings there now are predominantly office space that is going to become manufacturing space, can you explain how that transaction works? Response. *Two of them are office buildings, the meat of the building is what Philips used for electronic testing so they have high structures; the reality is that the infrastructure on that campus is 40-years old – everything has to be torn out, replaced and completely gutted and the site infrastructure upgraded as well.*

Melissa Danisch: What happens if property changes hands or tenants break the lease?  
*Response: Andrew responded it would a violation of the Agreement - Representative from Flagship Pioneer said this is not just one company so if one company fails, they bring in another company who is ready to take over that obligation.*

How long has this building been empty? *Response: About 3 years - Phillips relocated to Cambridge Crossing but they still have a small operation in the lower level in one of the buildings for now.*

Status of Permitting: *Response: They have full-permitting, full MEPA for the campus, full permitting at Andover Municipal Level for the one Greenfield expansion and the only two they do not have are the two Greenfield Buildings #5 and #6 for municipal approval from Andover that won't start until after the lease is signed.*

Alex Vispoli thanked the Town Manager for the presentation.

Public Comment: Brian Major, Odyssey Lane, said that one additional benefit is that as the Andover eco-business system grows so does the Andover commerce, employees will be utilizing the businesses in Andover as will visitors who will be staying in our hotels and using local business offerings.

D. Annual Town Meeting Articles

Board to consider voting to take a position on the following articles:

P8A	Overlay Surplus Transfer – Patrick Lawlor Annie Gilbert moved to recommend Town Meeting Approval of Article P8A, Overlay Surplus Transfer. Motion seconded by Melissa Danisch and voted 5-0 to recommend Town Meeting approval.
P10	Unpaid Bills Patrick Lawlor. \$5,044.00 Chris Huntress moved to recommend Town Meeting Approval of Article P 10, Unpaid Bills. Motion seconded by Melissa Danisch and voted 5-0 to recommend Town Meeting approval.
P14	Water Treatment Plant Maintenance. Explanation by Patrick Lawlor. \$300,000 being requested. Melissa Danisch moved to recommend Town Meeting Approval of Article P 14, Water Treatment Plant Maintenance. Motion seconded by Annie Gilbert and voted 5-0 to approve.
P17	Adoption of an Enterprise Fund for the Chandler Road Recreation Area Patrick Lawlor Annie Gilbert moved to recommend Town Meeting Approval of Article P 17, Adoption of an Enterprise Fund for the Chandler Road Recreation Area. Motion seconded by Laura Gregory and voted 5-0 to recommend Town Meeting approval.
P32	Taking by Eminent Domain of Easements Related to Ledge Road Landfill Austin Simko. Laura Gregory moved to recommend Town Meeting Approval

	of Article P 32, Taking by Eminent Domain of Easements Related to the Ledge Road Landfill. Motion seconded by Chris Huntress voted 5-0 to recommend Town Meeting approval
P33	Ledge Road Landfill. Est. \$2.5M. Town Manager Chris Huntress moved to recommend Town Meeting Approval of Article P 33, Ledge Road Landfill. Motion seconded by Melissa Danisch and voted 5-0 to recommend Town Meeting approval.
P35	Taking by Eminent Domain of Discontinued Portion of Lewis Street - Atty. Urbelis Melissa Danisch moved to recommend Town Meeting Approval of Article P 35, Taking by Eminent Domain of Discontinued Portion of Lewis Street. Motion seconded by Chris Huntress and voted 5-0 to recommend Town Meeting approval.
P36	Zoning Bylaw Recodification Annie Gilbert moved to recommend Town Meeting Approval of Article P 36, Zoning Bylaw Recodification. Motion seconded by Melissa Danisch and voted 5-0 to recommend Town Meeting approval.
P39	Town Bylaw Amendment – Stormwater Management and Erosion Control Melissa Danisch moved to recommend Town Meeting Approval of Article P 39, Town Bylaw Amendment – Stormwater Management and Erosion Control. Motion seconded by Chris Huntress and voted 5-0 to recommend Town Meeting approval.
P44	Zoning Bylaw Amendment - Use Variances – Presented by Andy Rouse of 5 Cattle Crossing (Private WA) Purpose to eliminate use variances that weaken zoning. Presentation on problems with Use Variances. Dimensional variances and Use Variances and impacts. Provided 4 examples of Use Variances in Andover and encroachment other and how they can be unfair to other nearby properties. They are loop-holed in our zoning protections, allows encroachments of  Paul Materazzo said the PB did invite the Chair of the ZBA to attend meeting and the PB recommended TM disapproval of this article. Laura Gregory move to recommend Town Meeting disapproval of Article P 44, Zoning Bylaw Amendment – Use Variances. Motion seconded by Chris Huntress and voted 5-0 to approve.
P45	Andover Sustainability Resolution. Presenter: Kate Margolis Laura Gregory moved to recommend Town Meeting Approval of Article P-45, Andover Sustainability Resolution. Motion seconded by Melissa Danisch and voted 5-0 to recommend Town Meeting approval.

P46	Taking by Eminent Domain of Hacienda Way Presented by Courtney Famiglietti Approved by Planning Board and Finance Committee as submitted. Annie Gilbert moved to recommend Town Meeting approval of Article P 46, Taking by Eminent Domain of Hacienda Way. Motion seconded by Melissa Danisch and voted 5-0 to recommend Town Meeting Approval.
P47	Randomization of Order of Warrant Articles – Presented by Steve Walther Melissa Danisch moved to recommend Town Meeting Disapproval of Article P 47, Randomization of Order of Warrant Articles. Motion seconded by Chris Huntress and voted 5-0 to recommend Town Meeting Disapproval.

E. Annual Town Meeting Warrant

Melissa Danisch moved to sign the Warrant for the 2023 Annual Town Meeting Warrant. Motion seconded by Laura Gregory and voted 5-0 to approve.

F. Overview of Debt Service

The Town Manager reported that 13% of the 2024 average single family tax bill will be allocated to Debt Service. General Fund Debt Service represents 5.98% of General Fund Revenue Budget for 2024. Debt Service can be classified as Non-Exempt Debt, Exempt Debt and Enterprise Fund Debt (incurred by Water & Sewer Enterprise funds).

MGL Chapter 44 section 10 limits a Town’s authorized indebtedness to 5% of the full and fair cash value of all property in a community. Andover’s current Debt limit is \$510M with \$101M in qualified debt outstanding for a balance of \$409M in debt capacity. Certain debt is considered outside the debt limit including Water & Sewer projects and construction, landfill capping, school building projects in partnership with MSBA, and debt as otherwise specified by legislation to be outside the debt limit (pension obligation bonds). The Town Manager shared a chart that includes debt compared to comparable communities. Andover’s debt is 6.8% of its budget.

Andover addressed a significant credit weakness by reconciling the unfunded pension liability through the issuance of pension obligation bonds. In FY23, this shifted the liability to debt service which reduced the retirement appropriation as a percentage of the tax bill. The combined appropriation (debt and retirement) increased overall because the annual requirement to fund the pension system became fixed, rather than requiring an annual ascending appropriation. In FY-24, the estimated combined appropriation for debt service and retirement will increase as the debt service for the West Elem School Project moves closer to being fully integrated into the tax bills.

Exempt Debt Service is authorized at Town Meeting and by a ballot vote. Non-exempt Debt Service is debt paid within the limits of Prop 2 ½ and funded through General Fund revenues; it is composed of Pension Obligation Bond debt service (50%) and debt service associated with the Capital Improvement Program ( CIP).

Kristen Wise, Inman Lane, asked about the excess capacity of the debt and when it was known as the AHS was planning to use those funds to build/renovate AHS. Who knew about the capacity issue with regards to the AHS project and why did they think the Town was going to fund this? The Town Manager said the last projection they had was for \$200M, they will have an updated cost estimate this Thursday. He asked Patrick Lawlor to work with Bond Counsel and financial advisors to see whether or not a school project without MSBA funding is still exempt and the answer was that it is not.

Kristen is concerned that residential home assessments went up on average by 13% so she figured all of the assessments would have gone up. She does not understand why this is now coming to light. The Town Manager said the AHS Building Committee has been very careful not to make assumptions around costs until the professionals could provide input. The AHS Building Committee will provide cost estimates on Thursday.

Annie Gilbert said that MSBA is not going to be able to keep up with the end-of-life school situations that exist statewide. We do need a legislative solution as the State hadn't predicted a scenario where towns were going have to start self-fund schools on their own. Andrew said he has a meeting with the Executive Director on Thursday to discuss crafting the legislation for this.

**VI. Consent Agenda**

A. Appointments by the Town Manager

Melissa Danisch moved to approve the appointments by the Town Manager as listed in the consent agenda. Motion seconded by Chris Huntress and voted 5-0 to approve.

Department	Name	Position	Rate/Term	Date of Hire
Department of Public Works	Michael Ferris <i>(Christopher McQuade)</i>	Equipment Operator II	\$30.25/hr	3/28/2023
Department of Public Works	Curtis Robarge <i>(Miguel Hernandez)</i>	Equipment Operator I	\$27.20/hr	3/28/2023
Department of Public Works	Kevin Ring	Temporary Cemetery Laborer	\$25.59.hr	3/28/2023
Memorial Hall Library	Loren Motew <i>(Brianna Caron-DiPietro)</i>	Library Assistant	\$26.74/hr	4/3/2023
Andover Police Department	Kathryn Kozikowski	Inspector of Animals	Term Expires April 30, 2024	5/1/2023

**VII. Approval of Minutes**

A. Board to approve minutes from the following meetings:

1. January 23, 2023
2. February 13, 2023
3. March 13, 2023

Annie Gilbert moved to approve the meeting minutes of January 23, 2023, February 13, 2023 and March 13, 2023 as presented in the agenda. Motion seconded by Melissa Danisch and voted 5-0 to approve.

**VIII. Adjourn**

At 9:35 PM On a motion by Laura Gregory and seconded by Annie Gilbert, the Select Board voted 5-0 to adjourn the meeting of March 27, 2023.

Respectfully submitted,

Dee DeLorenzo, Recording Secretary

**Presentations:**

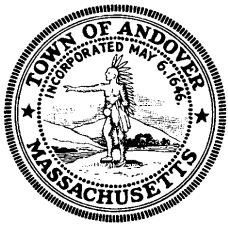
DEI Committee [Indigenous Peoples' Day](#)

TIF Agreement [P-37 – TIF Agreement – 1<sup>st</sup> Reading](#)

Debt Service: [Overview of Debt Service](#)

**Attachments:**

List of Executive Session Minutes reviewed in Executive Session held on March 13, 2023.



**Town of Andover**  
**Town Clerk's Office**  
36 Bartlet Street  
Andover, MA 01810  
978-623-8230  
townclerk@andoverma.us

March 27, 2023

The following serves to announce determinations of the Select Board regarding the minutes of Select Board Executive Sessions between January 1, 2018 and February 27, 2023.

The following Executive Session Minutes have been approved and released by the Select Board.

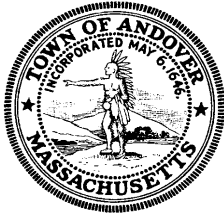
<b>Date</b>
January 22, 2018
February 5, 2018
February 26, 2018
February 27, 2018
March 19, 2018
March 26, 2018
May 14, 2018
June 18, 2018
July 9, 2018
September 4, 2018 (2)
October 1, 2018
October 15, 2018
January 22, 2019
January 28, 2019
February 11, 2019
February 25, 2019
March 11, 2019
March 25, 2019
April 8, 2019
April 11, 2019
April 22, 2019
May 2, 2019
May 13, 2019
June 3, 2019
October 7, 2019 (2)
October 28, 2019
November 18, 2019
December 2, 2019
December 16, 2019
January 13, 2020

February 10, 2020
February 24, 2020
March 23, 2020
October 5, 2020
February 8, 2021
February 22, 2021
March 9, 2021
April 5, 2021
September 21, 2021
October 4, 2021
January 5, 2022
January 12, 2022
February 15, 2022
April 4, 2022
April 13, 2022
May 2, 2022
August 15, 2022
November 21, 2022

The Select Board has not released the following Executive Session Minutes for the following reasons:

<b>Date</b>	<b>Reason Not Released</b>	<b>Topic</b>
April 23, 2018	Exemption (c) in the Public Records Law for personnel records/privacy and based on the Town's attorney-client privilege	Town Manager negotiations
May 10, 2018	Exemption (c) in the Public Records Law for personnel records/privacy and based on the Town's attorney-client privilege	Town Manager negotiations
May 21, 2018	Exemption (c) in the Public Records Law for personnel records/privacy and based on the Town's attorney-client privilege	Town Manager negotiations
September 4, 2018 (1)	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege	Land purchase
October 7, 2019 (1)	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege	Pending litigation - opioid
January 27, 2020	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege	Land purchase
August 2, 2021	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege	Pending litigation - Fahey
August 12, 2021	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege	Pending litigation - Fahey
August 16, 2021	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege	Pending litigation - Fahey
November 29, 2021	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege	Land disposition

December 13, 2021	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege	Land disposition
February 28, 2022	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege	Pending litigation - Fahey
March 14, 2022	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege	Pending litigation - Fahey
April 25, 2022	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege	Land disposition
June 13, 2022	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege	Land disposition
November 7, 2022	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege	Pending litigation - opioid
November 21, 2022 (1)	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege	Pending litigation - Fahey
December 12, 2022	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege	Land disposition
January 23, 2023	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege	Land disposition
February 27, 2023	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege	Land disposition



## Select Board and Water Commission Meeting – Amended 4.21.2023

Monday, April 24, 2023

6:45 PM Executive Session      7:00 PM Regular Session

The Robb Center Lifelong Learning Room

30 Whittier Court, Andover, MA 01810

---

### I. **Call to Order – 6:45 P.M.**

Chair Vispoli called the meeting to order at 6:45 PM.

Members in attendance: Laura Gregory, Melissa Danisch, Chris Huntress, Annie Gilbert.

Others in attendance: Town Manager Andrew Flanagan, Deputy Town Manager Mike Lindstrom, Asst Town Manager/Town Clerk Austin Simko, Town Counsel Tom Urbelis.

### II. **Executive Session**

At 6:45 on a motion by Chris Huntress and seconded by Laura Gregory, the Board voted 5-0 to go into Executive Session Board pursuant to option 6 to discuss the purchase, exchange, lease, or value of real property, and for the Chair to declare that an open session may have a detrimental effect on the negotiating position of the Town; and to return to open session. The Chair so declared. Motion seconded by Melissa Danisch and voted 5-0 to approve. Roll call: M. Danisch-Y, C. Huntress-Y, L. Gregory-Y, A. Gilbert-Y, A. Vispoli-Y.

### III. **Opening Ceremonies**

The meeting resumed at 7:00 PM

#### **A. Moment of Silence/Pledge of Allegiance**

The meeting began with a moment of silence in memory of Monica Gallagher followed by the Pledge of Allegiance.

#### **B. Proclamation for Motorcycle Awareness Season**

Alex Vispoli read the Proclamation for Motorcycle Awareness Season.

The Board of Selectmen hereby proclaims March 25 2023-April 30, 2023 to be Motorcycle Safety Awareness Period in the Town of Andover in which all who ride can enjoy a safe riding season.

Alex introduced Paul Cote and Eric Boisvert representing the American Motorcyclist Association. Mr. Cote said there are over 160,000 registered motorcycles in the Commonwealth of Massachusetts and 360,000 citizens with the endorsement still on their license. This is the 20<sup>th</sup>-year anniversary of getting the Proclamation enacted. Eric Boisvert reminded everyone to pay attention when driving, stay off phones, and to check twice when making left-hand turns, changing passing lanes, and when backing out of parking lot.

#### **IV. Communications/Announcements/Liaison Reports**

The Town Manager said Town Meeting opens on Monday, May 1<sup>st</sup>. There will be a Public Information Session on Tuesday, April 25<sup>th</sup> starting at 7:00 PM in the Public Safety Center in the Training Room.

The Town Manager announced that after 33-years of service to the Town of Andover, Tom Urbelis will be retiring from his post as Town Council. His time as Town Council has been marked by diligence and deep devotion and commitment to the Town. Tom has been a trusted and loyal advisor. Tom is widely respected by his peers in the field of law and recently recognized as a 'Super Lawyer' by other Massachusetts attorneys. This is an honor reserved for those lawyers who exhibit excellence in their practice and only 5% have received this honor and only a handful received this distinction in the area of Municipal Law. Alex Vispoli thanked Tom for his years of service and who always had the Town's best interest at heart.

Austin Simko reported that at the Board's meeting on April 12<sup>th</sup> in Executive Session the Board voted to approve and release a series of Executive Session Minutes and to release and redact or update redactions to minutes that had already been released. A summary of those actions will be appended to these minutes.

Childcare will be offered both nights of Town Meeting (May 1 and May 2). The Department of Recreation is overseeing this and information is available on-line. Questions should be directed to the Dept. of Recreation Division.

Annie Gilbert reminded everyone about the survey on potential uses of Old Town Hall that can be found on the Town Website. The State received grant monies to use to bring the building to its best and highest use. They are looking to gather input from residents on what they would like to see the space used for.

Chris Huntress announced that on Wednesday, April 26, at 9:00 am in the Robb Center the Planning Department is hosting a coffee with their Planner on the MBA Community Zoning Law issue.

Melissa Danisch recognized that Saturday was Earth Day. The DPW and the Recycling Department will continue to participate and celebrate and provide residents with their yellow bags, gloves, and seeds. Thank you to all that participated.

#### **V. Citizens Petitions and Presentations**

Dan Kowalski, 24 Enfield Drive, spoke about sending out reminders via text for communications about Town Meeting. Email notifications would also be appreciated. He also requested that there be an increase in wages for poll workers, an update on the pilot program with Merrimack College, and would like to see a policy that states Select Board members should not be texting during meetings and to clarify what the role of the Secretary is. He suggested they keep track of all of the items residents bring forward.

Information on communications sent out to the public was explained by the Town Manager and the use of 'code red'. He has been in discussions with Public Safety to see if information

can be sent out via text for non-emergency notifications that people can sign-up for. Annie Gilbert said the Communications Director gave a presentation on the various tools that had been recommended by the Town Governance Committee and discussed his timeline for implementing those. She has noticed an increase on social media of the many videos and outreach. Laura Gregory noted that the Library and School Dept have the largest email listings; however, she did not see Town Meeting listed on the Library's Save the Date list.

**IV. Regular Business**

A. [Update on Indigenous People & Columbus Day Discussion](#)

Board to consider endorsing the Town Manager's plan for facilitating a discussion and presenting a potential recommendation.

The Town Manager thanked everyone for their input on this discussion and is recommending that they put together a group of people to lead the community discussion that would inform what the next steps/process would include:

- ~Establishing a Working Group to support the facilitation of a community discussion.
- ~Engaging community members in a civil, robust and genuine dialogue about the history and origins of both Columbus Day and Indigenous Peoples' Day.
- ~Holding a minimum of two public forums, seek speakers with relevant experience on both sides and select facilitators.
- ~Based on public input, craft recommendations to Select Board and/or Town Meeting.

Working Group Composition: Seven (7) Members.

Two members from the Commission on Diversity, Equity & Inclusion (DEI).

Two members from Knights of Columbus.

Three At-Large Members – selected by a three (3) member sub-group that includes the Town Manager, one member from the Commission on DEI, and one member from the Knights of Columbus.

Time frame: Identify Working Group by the end of May 2023.

Facilitate community engagements through September 2023.

Present recommendation(s) October 2023.

Target 2024 Annual Town Meeting if Town Meeting action is required.

Laura Gregory said the DEI Commission's #1 concern was to have an Indigenous person to represent their community included in the process. She would like to see efforts made to include such person if possible.

Annie Gilbert moved to endorse the Town Manager's Plan for facilitating a discussion and presenting a potential recommendation. Motion seconded by Chris Huntress and voted 5-0 to approve. Chris Huntress agreed with the Town Manager's recommendation to have a facilitator for this group.

B. [Andover Fire Rescue EMS Bike Team](#)

Board to receive a presentation on the Andover Fire Rescue EMS Bike Team.

Chief Mansfield introduced the representatives from organizations helping to fund this initiative that included: Robin Condon, President of the Merrimack Valley Striders, Tom Licciardello, Board of Director of Merrimack Valley Striders, and David McGillivray representing the David McGillivray Finish-Strong Foundation. Alan Ryan (Merrimack College Graduate Intern working in the Town Manager's Office) gave the presentation.

Purpose: To provide rapid response with basic and advanced life services. Creates improved public relations between Fire Rescue and community. Cost-efficiency –An EMS Bike Team is superior to having an ambulance stationed by the bikes and is very low cost in terms of annual maintenance. They can carry various equipment in bike backpacks, and help improve public relations by having the bikers or paramedics on the bikes moving through community events. i.e. road races, Andover Day, Clown Town, and Holiday Happenings, and another general event happening in town.

Research: The Los Angeles Fire Department first used a bike team in 2004 providing services that saved lives responding much faster in specific scenarios or events. The Cambridge Fire Department was the first Bike Team in the Commonwealth activated in 2108 and deployed on weekend nights and when there are large crowds.

Training: Completed April 20-21 (16-hour course) with mix of classroom and simulations.

First Active Use: Memorial Day 2023

Cost \$16,990.00 for 10 bikes and Panniers

Funding from Merrimack Valley Striders and Dave McGillivray Sport Enterprises.

Mr. McGillivray spoke about the need for community support and appreciates the support that Andover Fire and Police contribute to the Feaster Five Run each November.

The EMS Program will be a pilot program that will extend across the United States. Mr. McGillivray is contributing \$10,000 from his foundation to Andover Fire Rescue to help support this program to save lives and keep the participants safe.

Tom Licciardello, presented a check to Chief Mansfield for the EMS Bike Team. Chief Mansfield said that the EMS Bike Team will help with events that attract large crowds to respond to EMS events in an expedient time frame. This is a collaboration and being put together at no cost to the Town of Andover.

### **C. Andover High School Building Issues – Financial Considerations**

The Town Manager provided an update on financial matters in consideration for the potential AHS Building Project and the issue around the Debt Limit which is equal to 5% of the aggregated assessed value of all property in the community. Andover's debt limit is about \$510M, of which \$409M is available, the cost of AHS Project in excess of that amount.

Three options to consider: 1. Legislative changes 2. Special legislation initiated at a vote of Town Meeting, 3) Municipal Finance Oversight Board approval where any city can go and make an appeal to have their debt limit doubled.

The Town Manager is recommending the first option, legislative changes which would be the most realistic option. He explained the issue to the delegation and they moved forward with filing a budget amendment that would apply to all cities and towns which basically says that school building projects funded by a debt exclusion (because the debt exclusion is a dedicated funding source) without MSBA partnership would still be exempt from a city or town's debt limit. The legislators initiated the filing of a budget amendment to the House Budget. His concern is with the potential impact of the AHS building project on Andover's bond rating and will be working with the financial advisors and talking to the rating agencies about their criteria and how this could impact Andover.

Alex Vispoli said the priority is to maintain Andover's bond rating. Annie Gilbert said they would not know the results of the House Budget until the summer. Chris Huntress is concerned with raising our debt limit. MSBA comes along with a financial incentive and checks and balances. The impact on the bond rating concerns him and is not in favor of going down that road. Melissa Danisch appreciates how organized and dedicated the AHS Building Committee has been with the planning. This is going to take a long time to put together and agrees with taking this article off the table for this Town Meeting until we have a better handle on the financing, but the planning should continue. The Town Manager's recommendation is to have the AHS Building Committee present to the Select Board.

#### [Town Meeting Article 5](#)

Board to consider voting to recommend approval of a revised funding amount for Article 5. The Board has recommended approval of Article 5: Capital Projects Funds from cash.

The Town Manager reported that there has been a change in the source of funding for a previously approved project. The \$8M for the Doherty Middle School Improvement project was funded almost entirely from the School Dept Budget in the form of a debt service offset, which we have not borrowed yet. Since that time, Chapter 70 funding was significantly over our projections and we have to use the State's number. The Town Manager is recommending to use \$1.3M and borrow less than \$8M. We will put cash aside and borrow less.

Laura Gregory moved to recommend Town Meeting approval of Article P5 - FY2024 Capital Projects fund, for a total of \$4,190,000. Motion seconded by Melissa Danisch and voted 5-0 to approve.

#### D. [Town Tree Removals and Replacement Policy](#) – 2<sup>nd</sup> Reading

Board to review and consider voting on the proposed policy on town tree removals and replacements.

Mike Lindstrom reported that they went through a comprehensive PowerPoint at the last meeting. He thanked the co-authors and architects of this policy by Randy Hanson, Susan Stott, and Maria Bartlett and others who worked on this policy for over a year. The goal is to increase the partnership between the Town and its residents, more information sharing and more options improving the notification system, why a tree is coming down, options

for replacing tree and a timetable for the replacement (2 years) and to setup a donation account for small amounts of donations to allow for more public plantings of trees. Section 7 would establish a Tree Committee appointed by the Town Manager and approved by the Select Board.

Annie Gilbert is glad that there are timelines in the policy for replacing a tree that's been removed and when the new Town Tree Committee will be appointed, and also a timeline for that Committee to bring forth a Town Tree By-law to be considered by the Select Board.

Chris Huntress mentioned that the Policy includes trees within public parks/public ways/open space, etc., but excludes lands under the care of the Conservation Commission or under the control of the Andover School Dept. owned by the town. Mike said part of the charge of the Tree Committee will be how to expand this to conservation holdings. Tom Urbelis said the next step is to talk to them about this policy.

Annie Gilbert moved to approve the Town Tree Removals and Replacement Policy. Motion seconded by Laura Gregory and voted 5-0 to approve.

#### E. [Water Rates – 2<sup>nd</sup> Reading](#)

Chris Huntress moved to go into session to act as Water Commissioners. Motion seconded by Second by Laura Gregory and voted 5-0 to approve.

The Town Manager reported on:

- ~Objectives of the rate plan
- ~Current plan
- ~Proposed Rate Plan
  - .Tiers and consumption levels
  - .Value of additional tiers
- ~Comparable Average Water Bills
- ~Impact of the North Reading Water Agreement

Objectives :

Continue the Accelerated Water Main Replacement Program.

There are two years remaining to replace unlined cast iron mains.

Maintain service and capital investment levels through record inflation.

The cost of chemicals to treat water is expected to increase 100%

Continue to alleviate discolored water reports.

Leverage agreement with North Reading to support capital improvements.

Mitigate residential water rate increases.

Add two additional tiers to the rate plan related to high volume water users.

Maintain high value for cost with rate plan recommendations, Andover's water costs remain among the lowest in the region. Chemical costs have increased by 100%.

Review of Current Rate Plan that was adopted in 2019 with planned annual rate increase of 3.5% through FY2028.

Chemical increase for FY 24	\$490,000	5.96% to Fund
Water Main Improvements Debt Service	\$470,000	5.72% to Fund
Treatment Plant Maintenance	\$300,000	3.65% to Fund

Andrew explained the proposed rate plan would add two tiers to the rate plan that would impact 12.2% of existing water users with highest consumption. The additional tiers would result in \$1.4M in revenue in FY24 and \$1.6M for FY-25 and up to over \$2M in 2029. If adopted Andover’s average bill is projected to be \$494.69; among the lowest in the region and comparable to AAA suburban communities which average \$463.23.

Impacts of North Reading Water Agreement were reviewed.

Beginning in 2029, North Reading will pay Andover 95% of their Tier 1 rate, inclusive of any increases in excess of 2.5% annual increases.

In FY-29, Andover’s Tier 1 rate will be \$541 per HC and North Reading will be subject to a rate of \$5.14 per HCF, a 42% increase over their effective 2028 rate. For FY-22, North Reading water billing totaled \$2,139,940.

The incremental cost of providing water to North Reading, including overtime, electricity, chemicals and contractual credits is estimated to total \$606,573 for FY-24, for a net estimated revenue of \$1,533,367 (assuming no consumption growth). Without North Reading, Andover rate payers would see an increase of +19%.

Impact on North Reading Water Agreement Capital Project / Fish Brook Pump Station.

Project Cost	\$15M
Annual Debt Service Year 1	\$1,175,000
Planned Start Year	2029
2029 Additional revenue No. Reading	\$1,282,923
Impact to Andover Rate Payers	\$(107,923)

Chris Huntress asked if the increased rates take into account any new growth each year? Patrick Lawlor replied that they look at several years and use an average. They don’t look at consumption growth unless they are seeing major developments.

Question: Does the TIF impact our water rates? The additional water revenue as a result of their consumption in not factored in.

Laura Gregory said that one of North Reading’s concerns was expanding their sewer as part of their efforts to increase their commercial tax base, has that been happening? The Town Manager said they are actively working on the funding model.

Laura Gregory moved to approve the water rates as presented. Motion seconded by Annie Gilbert and voted 5-0 to approve.

## F. [Pension Obligation Bond Update](#)

Chief Financial Officer, Patrick Lawlor provided an overview of the Pension Obligation Bond (POB). It is very early in the process, and too early to be looking at the results.

2021 Annual Town Meeting authorized \$175,000,000 Pension Obligation Bond.

Investment Committee was created to determine if it was favorable for the Town to proceed with a POB issuance and to recommend an amount to issue as well as to advise the Town and the Retirement Board on investment strategy and asset allocation, something they still do today. In December of 2021, the Town issued a \$165,000,000 Pension Obligation Bond with a net interest of 2.367%. This is a taxable issuance because of the nature of the debt.

### POB Stakeholder Responsibilities

The Investment Committee makes recommendations to the Town on issuance and continues to advise the Investment Board. The Town, as the plan's sponsor, facilitates the work of the Investment Committee and partners with the Retirement Board.

They received \$165M in January 2022 and the Investment Committee recommended the Retirement Board use dollar cost averaging or consistent with regular investments over a period to mitigate volatility. With market downturns in 2022, it allowed the Retirement System to obtain positions in the market at a lower price.

As the Federal Reserve increased rates, the system has been able to take advantage of higher interest rates for its cash.

### Cash Strategy:

Cash strategy shifted funds from the Pension Reserve Investment Trust (PRIT), which was paying approximately 0.1% to the Mass Municipal Depository Trust, which pays approximately 5%. Fixed income and cash represent 25% of the Retirement System's assets.

### Investment Strategy:

Fixed Income and cash represent 25% of the Retirement System's assets.

In the event of a recession or continued market downturn, the plan is at an advantage with \$25M currently in cash, to re-balance or leverage price decreases on equities.

An investment strategy for the long-term mitigates the challenges faced with economic downturns.

The \$25M currently in cash would allow the Andover Retirement System to operate for three years without touching investment funds if needed. Andover employees contribute to the ULO fund that helps to offset future liabilities or pay off the POB debt faster.

Results of the POB: The POB relies on a long-term basis; one year of performance does not signal complete results. Long-term expected rate of return for the Retirement System is 5.57%, the second lowest in Massachusetts and among the lowest in the country.

Market value of assets and return of assets and fund ratio was provided in the presentation. On Thursday, the Retirement Board voted to a funding schedule that would extinguish the unfunded liability that still remains by 2032 and the POB Debt Service will end by 2040. We will still need to maintain normal costs to run the plan.

G. Town Meeting Preparation

Town Manager to provide brief overview of outreach, public information efforts and scheduled information session. Board to receive and review speaking assignments tomorrow for Town Meeting. They are doing videos of high-profile articles that are available on Facebook, YouTube, Instagram, and available at [AndoverMA.gov/](http://AndoverMA.gov/) Town Meeting 2023.

VI. **Consent Agenda**

A. Appointments by the Town Manager

Melissa Danisch moved to approve the appointments by the Town Manager as listed in the consent agenda. Motion seconded by Chris Huntress and voted 5-0 to approve.

Department	Name	Position	Rate/Term	Date of Hire
Department of Public Works	Christopher George <i>(Robert Cotter)</i>	Maintenance Craftsperson	\$29.47/hr	4/25/2023
Information Technology	Niam Chopra	Department Assistant	\$16.50/hr	5/22/2023
Information Technology	Kaiden Felix	Department Assistant	\$15.50/hr	5/30/2023
Information Technology	Raj Swami Kontham	Department Assistant	\$15.00/hr	6/20/2023
Information Technology	Eliza Rousseau	Department Assistant	\$15.50/hr	6/20/2023
Information Technology	David Schecter	Department Assistant	\$17.00/hr	5/15/2023
Elder and Disabled Tax Fund Committee	Amanda Preston	Member	Term Expires June 30, 2026	4/25/2023
Elder and Disabled Tax Fund Committee	Russ Moran	Member	Term Expires June 30, 2026	4/25/2023

**VII. Adjourn**

At 8:42 PM on a motion by Chris Huntress and seconded by Laura Gregory, the Select Board voted 5-0 to adjourn the meeting of April 24, 2023.

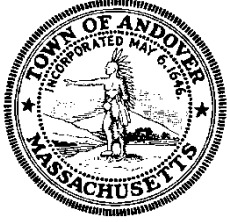
Respectfully submitted,  
Dee DeLorenzo  
Recording Secretary

**Presentations:**

- A. [Update on Indigenous People & Columbus Day Discussion](#)
- B. [Pension Obligation Bond Update](#)
- C. [Town Tree Removals and Replacement Policy](#)
- D. [Water Rates – 2<sup>nd</sup> Reading](#)
- E. [Andover Fire Rescue EMS Bike Team](#)

**Attachments:**

List of Executive Session Minutes reviewed in Executive Session held on April 12, 2023.



## Town of Andover

### Town Clerk's Office

36 Bartlet Street  
Andover, MA 01810

978-623-8230

[townclerk@andoverma.us](mailto:townclerk@andoverma.us)

April 24, 2023

The following serves to announce determinations of the Select Board regarding the minutes of Select Board Executive Sessions between January 1, 2015 and December 31, 2017.

The following Executive Session Minutes have been approved and released by the Select Board:

Date
January 20, 2015
March 25, 2015
March 30, 2015
April 6, 2015
June 11, 2015
June 29, 2015
August 21, 2015
September 28, 2015
October 5, 2015 (2)
November 16, 2015
December 7, 2015
January 11, 2016
January 26, 2016
January 29, 2016
February 16, 2016
March 28, 2016
April 20, 2016
June 10, 2016
June 13, 2016
January 26, 2016
January 29, 2016
February 16, 2016
March 28, 2016
April 20, 2016
June 10, 2016
August 8, 2016
October 11, 2016

March 13, 2017
March 27, 2017
April 10, 2017
June 26, 2017
October 16, 2017
March 13, 2017
March 27, 2017
April 10, 2017
June 26, 2017
October 16, 2017

The following Executive Session Minutes have been approved for release with redactions for the following reasons:

<b>Date</b>	<b>Reason for Redactions</b>
January 5, 2015	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege
February 12, 2015	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege
February 23, 2015	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege
April 13, 2015	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege
June 1, 2015	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege
June 15, 2015	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege
October 5, 2015 (1)	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege
October 13, 2015	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege
December 16, 2015	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege
January 19, 2016	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege
August 4, 2016	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege
August 16, 2016	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege
December 5, 2016	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege
December 7, 2016	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege

December 4, 2017	Exemption (a) in the Public Records Law for the Open Meeting Law, and attorney-client privilege
------------------	---